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\*\*E-filed 9/9/05\*\*

Attorneys for Plaintiff DIRECTV, INC.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

DIRECTV, INC., a California corporation,

CASE NO. CV-05-00406 JF

**Plaintiff,**

Hon. Jeremy Fogel

vs.

VIN VU.

Defendant.

Date: September 9, 2005  
Time: 9:00 a.m.  
Courtroom: 3, 5th Floor

IT APPEARING from the records in the above-entitled action that the default of Defendant VIN VU (“Defendant”) was entered on May 6, 2005 for failure to respond or to otherwise defend the Complaint for damages;

IT FURTHER APPEARING from the Motion for Default Judgment Against Defendant filed herein that Plaintiff DIRECTV, Inc. (“DIRECTV”)’s claim for damages is for a sum that can by computation be made certain;

IT FURTHER APPEARING that there is no just reason for delay in entering final judgment in this matter as to Defendant and that final judgment shall be entered against said Defendant;

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1 IT FURTHER APPEARING from the Declaration of counsel for DIRECTV dated  
 2 July 13, 2005, that Defendant is not an infant or incompetent person;

3 IT FURTHER APPEARING from the Declaration of counsel for DIRECTV dated  
 4 July 13, 2005, that Defendant is not in military service or otherwise exempted under the  
 5 Servicemembers' Civil Relief Act;

6 IT FURTHER APPEARING that DIRECTV alleges, and Defendant has admitted through  
 7 his default, that Defendant violated the Electronic Communications Privacy Act, 18 U.S.C.  
 8 § 2510, *et seq.*;

9 IT FURTHER APPEARING that, although 18 U.S.C. § 2520 provides for statutory  
 10 damages for violation of the Electronic Communications Privacy Act of whichever is the greater  
 11 of \$100 per day of violation or \$10,000, and although DIRECTV has submitted that Defendant  
 12 violated the statute on 1,002 days (the date of his purchase of the illegal device, August 2, 2001,  
 13 through April 30, 2004, the date after which it appears the subject device could not have been  
 14 effective to modify DIRECTV Access Cards), DIRECTV only requested in its Complaint  
 15 statutory damages of \$10,000 per illegal device purchased and used by Defendant;

16 IT FURTHER APPEARING that DIRECTV, as the prevailing party in this action, is  
 17 entitled to reasonable attorneys' fees and costs pursuant to 18 U.S.C. § 2520(b)(3) incurred in  
 18 prosecuting this action against Defendant and DIRECTV has submitted evidence of the amount of  
 19 those fees incurred;

20 NOW THEREFORE, on request of counsel for DIRECTV, Judgment shall be entered as  
 21 follows:

22 1. Pursuant to 18 U.S.C. § 2520, as against Defendant VIN VU, and in favor of  
 23 Plaintiff DIRECTV, Inc., the sum of \$10,000 (one (1) device purchased and used by Defendant x  
 24 \$10,000), plus post-judgment interest thereon at the legal rate pursuant to 28 U.S.C. § 1961 from  
 25 the date of entry of this Judgment;

26 2. An award of attorneys' fees in the amount of \$3,035.60; and

27       ///

28       ///

1       3. Costs pursuant to Fed. R. Civ. P. 54, subject to the filing of a Bill of Costs in  
2 compliance with the Local Rules of this Court.  
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4 Dated: 9/9/05

/s/electronic signature authorized

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5 Honorable Jeremy Fogel  
6 United States District Court  
7 Northern District of California  
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## **PROOF OF SERVICE**

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is at BUCHALTER, NEMER, FIELDS & YOUNGER, A Professional Corporation, 18400 Von Karman Avenue, Suite 800, Irvine, California 92612-0514.

On July 14, 2005, I served the foregoing document described as: [PROPOSED] **DEFAULT JUDGMENT AGAINST DEFENDANT VIN VU** on all other parties and/or their attorney(s) of record to this action by placing a true copy thereof in a sealed envelope as follows:

**\*\*\*SEE ATTACHED LIST\*\*\***

**BY OVERNIGHT DELIVERY** I placed the Federal Express/Overnite Express package for overnight delivery in a box or location regularly maintained by Federal Express/Overnite Express at my office, or I delivered the package to an authorized courier or driver authorized by Federal Express/Overnite Express to receive documents. The package was placed in a sealed envelope or package designated by Federal Express/Overnite Express with delivery fees paid or provided for, addressed to the person(s) on whom it is to be served at the address(es) shown above, as last given by that person on any document filed in the cause; otherwise at that party's place of residence.

[X] I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on July 14, 2005, at Irvine, California.

Tammy Martin

/s/Tammy Martin

(Signature)

## SERVICE LIST

Vin Vu  
526 Isaac Court  
San Jose, CA 95136  
*Pro Se Defendant*